

## **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 11-16 and 18-29 are now pending in this application.

### **Rejections under 35 U.S.C. § 103**

Claims 11-16, 19, 21, 23, and 25-29 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 4,572,766 to Dimitriou (hereafter “Dimitriou”) in view of U.S. Pub. No. 2004/0067414 to Wei *et al.* (hereafter “Wei”). This rejection is respectfully traversed.

Dimitriou discloses a plate evaporator or condenser that includes a stack of plates that are fed a heating fluid or vapor through inlet openings 26 and 27 and through channels 26' and 27'. See Dimitriou at col. 5, line 62, to col. 6, line 48; col. 7, line 62, to col. 8, line 4. The plate stack includes additional inflow openings and channels 39' and 40' for the heating fluid or vapor. See Dimitriou at col. 7, lines 25-39; col. 7, line 62, to col. 8, line 28. Dimitriou discloses that condensate from the heating fluid or vapor can be admitted to a condensate outlet flow 53. See Dimitriou at col. 8, lines 23-28.

However, as noted on page 3 of the Office Action, Dimitriou does not disclose or suggest two heat transfer medium ducts that are in fluid communication with the same heat transfer medium inlet or that the heat transfer medium inlet has a branching section, as recited in claim 11. Nor does Dimitriou disclose or suggest that the heat transfer medium inlet has a branching section arranged in a plane which is perpendicular to the at least two heat transfer medium ducts such that the branching section is offset from the plurality of disks and the heat

transfer medium inlet is offset from the heat transfer medium ducts such that the heat transfer medium inlet and the heat transfer medium ducts do not share a common axis, as recited in claim 11. Claims 12-16, 19, 21, 23, and 25-29 depend from claim 11.

The Office argues on pages 3-4 of the Office Action that Wei discloses a heat exchanger with two heat transfer medium ducts in fluid communication with the same inlet, with the inlet having a branching section, citing the duct 300 shown in Figure 3 of Wei.

However, Wei does not disclose or suggest a heat transfer medium inlet that has a branching section arranged in a plane which is perpendicular to the at least two heat transfer medium ducts such that the branching section is offset from the plurality of disks and the heat transfer medium inlet is offset from the heat transfer medium ducts such that the heat transfer medium inlet and the heat transfer medium ducts do not share a common axis, as recited in claim 11. As shown in Figure 3 of Wei, the duct 300 is arranged such that the inlet to the duct 300 is not offset from the ducts within the heat exchanger such that the inlet and the ducts do not share a common axis, as recited in claim 11. In fact, Figure 3 of Wei appears to indicate that the inlet of the duct 300 shares a common axis with one of the ducts of the heat exchanger of Wei.

For at least the reasons discussed above, the combination of Dimitriou and Wei does not disclose or suggest all of the features of claim 11. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 18, 20, 22, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dimitriou and Wei in view of U.S. Patent No. 5,230,966 to Voss *et al.* (hereafter “Voss”). This rejection is respectfully traversed. Voss fails to remedy the deficiencies of Dimitriou and Wei discussed above in regard to independent claim 11, from which claims 18, 20, 22, and 24 depend. Reconsideration and withdrawal of this rejection is respectfully requested.

**Conclusion**

Applicant submits that the present application is now in condition for allowance.  
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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Date \_\_\_\_\_

By 

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